

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Pedro Quant,

NO. C 10-01262 JW

Petitioner,

**ORDER TO SHOW CAUSE RE:  
DISMISSAL**

v.

Fernando Gonzalez,

Respondent.

Petitioner, represented by counsel, filed a Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 challenging his conviction in Santa Clara County Superior Court for robbery with a firearm. (hereafter, "Petition," Docket Item No. 1.) Upon review of the form Petition, the Court finds that Petitioner fails to allege that he has exhausted the remedies available in state court.<sup>1</sup> In his Petition, Petitioner admits to not appealing his conviction. (Petition at 3.) Further, the Petition fails to set forth facts to support Petitioner's claim of ineffective assistance of counsel.

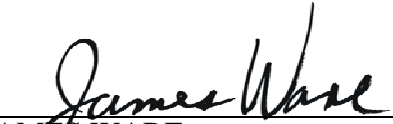
The Court hereby orders Petitioner to file on or before **May 24, 2010**, a Response to this Order to Show Cause re: Dismissal, and state why this Petition should not be dismissed for failure to sufficiently allege exhaustion of state remedies, and failure to state a claim upon which relief can be granted.

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<sup>1</sup> The exhaustion of available state remedies is a prerequisite to a federal court's consideration of claims presented in a *habeas corpus* proceeding. 28 U.S.C. § 2254. Exhaustion requires that a petitioner's claims be presented fairly to provide the state courts with an opportunity to rule on the merits of the claims. McQuown v. McCarthy, 795 F.2d 807, 809 (9th Cir. 1986).

1 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
2 this action pursuant to Fed. R. Civ. P. 41(b).

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4  
5 Dated: May 3, 2010

  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Arturo Hernandez-Melendez artlawoff@aol.com

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4 **Dated: May 3, 2010**

**Richard W. Wieking, Clerk**

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**  
8 **Courtroom Deputy**  
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